



55 Church Street
New Haven, Connecticut 06457
203-568-6297

**Testimony of David Sutherland – Director of Government Relations
Before the Planning and Development Committee – March 18, 2012**

In Opposition to Bill 459 – AAC LOCAL CONTROL OVER COASTAL AREAS

On behalf of The Nature Conservancy, I would like to express our opposition to Bill 459. This bill would exempt sea walls and many other structures from all state regulation in tidal waters, and it would enable towns to exempt sea walls from all regulation.

It is important to note that DEEP approves a very large number of applications for sea walls and other coastal erosion control structures. According to agency data; from 2002 to 2012, the agency received 1,207 permit and certificate of permission applications for flood and erosion control structures. Thirteen applications, **slightly over 1%, were denied.** 1,104, or **91.5%, were approved.** Ninety, 7.5%, were withdrawn or closed. Applications are withdrawn or closed when an applicant changes their mind or doesn't pay the required fee or submit required information.

As with many of the agency's permit programs, DEEP has made very significant progress in the past several years in the speed with which it processes applications. Since 2007, the average time it takes DEEP to process an individual permit has declined by over 75%. DEEP's permit programs can still be improved. Particularly considering the staffing constraints that the agency has experienced, however; since it embarked on its LEAN permit streamlining process several years ago, it has processed applications in a timely manner. There is simply no justification for eliminating its jurisdiction over structures with as much potential impact as sea walls, in areas as important and complex as Connecticut's coastal neighborhoods and natural habitats.

While necessary and effective in many cases, "armoring" structures, such as sea walls, can have significant drawbacks. During Storms Irene and Sandy, numerous sea walls did not work, and others prolonged or intensified flooding. Sea walls in front of one property can worsen flooding on neighboring ones. In many locations, armoring destroys tidal wetlands, flats, and beaches by concentrating wave action to scour away these resources. This eliminates both the property protection these resources provide by absorbing wave energy, and critical habitat for finfish, shellfish, and coastal birds.

Sea walls and other flood and erosion control structures are needed to protect some buildings and infrastructure. In many cases, "living shoreline" techniques, such as those enumerated in P.A. 12-101, can be a more appropriate protection approach. We as a state need to become much more sophisticated in assessing which methods of protecting coastal infrastructure are most appropriate for specific locations. Due to the impacts that sea walls can have on abutting properties and critical habitats, responsible regulation of them must continue to play a role in assessing their appropriateness in specific locations.